

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,

v.

No. 08 –CR-241-7

The Honorable Blanche Manning

RUEBEN ROMO

**DEFENDANT RUEBEN ROMO'S MOTION FOR
NOTICE OF INTENTION TO USE EVIDENCE
OF OTHER CRIMES, ACTS AND WRONGS OF DEFENDANT**

Now comes Defendant RUEBEN ROMO, by his attorney, Eugene O'Malley, and prays for entry of an order requiring the United States to provide notice of its intention to use evidence of other crimes, acts and wrongs of Defendant, either in its case-in-chief, for impeachment, or in rebuttal, including the following:

- 1) Evidence of other crimes, wrongs or acts of Defendant, as that phrase is used in Rule 404(b) of the Federal Rules of Evidence.

(a) In regard to the notice, the government should identify and describe:

- (i) the dates, times, places and persons involved in such other crimes, wrongs and acts;
 - (ii) the statements of each participant in such other crimes, wrongs and acts;
 - (iii) any documents which contain or evidence such other crimes, wrongs and acts, including when the documents were prepared, who prepared the documents, and who has possession of the documents; and
 - (i) the issue or issues to which the government believes that such other crimes, wrongs and acts are relevant.
- 2) Defendant RUEBEN ROMO also requests notice of any evidence viewed by the government as "intricately related to the facts of the case," if such evidence could

arguably and in good faith be viewed as 404(b) evidence by Defendant.

- 3) Furthermore, Defendant requests pretrial production of material that is admissible under Rule 608(b) to the extent the evidence constitutes "other act" evidence within the meaning of Rule 404(b) and the 1991 Advisory Committee Notes to that Rule, or evidence subject to disclosure under Rule 16.
- 4) Pursuant to Rule 404(b), Defendant RUEBEN ROMO requests reasonable notice before trial, and thus requests notice thirty days prior to trial in order to have sufficient time to investigate all such evidence.

Respectfully submitted,

s/Eugene O'Malley
Eugene O'Malley, Attorney for Defendant

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